THE BOMBAY KAULI AND KATUBAN TENURES (ABOLITION) ACT, 1953.

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BOMBAY ACT No. XLIV OF 1953.[1]

[THE BOMBAY KAULI AND KATUBAN TENURES (ABOLITION) ACT, 1953.]

[*22nd June 1953.*]

An Act to abolish kauli and katuban tenures in the State of Bombay.

WHEREAS certain lands in the Kolaba, Kolhapur and Ratnagiri Districts of the State of Bombay are held on kauli and katuban tenures ;

AND WHEREAS it is expedient to abolish the said tenures, to extinguish the rights and incidents of the said tenures and to make provision for other consequential and incidental matters hereinafter appearing ; It is hereby enacted as follows :—

Short title, extent and commencement.

1. (*1*) This Act may be called the Bombay Kauli and Katuban Tenures (Abolition) Act, 1953.

(*2*) It extends to the districts of Kolaba, Kolhapur and Ratnagiri in the State of Bombay.

(*3*) It shall come into force on such date as the State Government may, by notification in the *Official Gazette*, direct.

Definitions.

2. In this Act, unless there is anything repugnant in the subject or context,—

Bom. V of 1879.

(*a*) "Code" means the Bombay Land Revenue Code, 1879;

(*b*) "Collector" includes an officer appointed by the State Government to perform the functions and exercise the powers of the Collector under this Act;

(*c*) "kaul or katuban lease" means a lease or an agreement under which a kauli or katuban land is held, as the case may be;

(*d*) "kaul-holder" means a person holding kauli or katuban land under a kaul or katuban lease;

(*e*) "kauli or katuban land" means land held on kauli or katuban tenure;

(*f*) "permanent holder" means the holder of kauli or katuban land to whom such land has been lawfully transferred as a purchaser or who lawfully holds such land as *dhara* land or on payment of fixed rent or assessment;

(*g*) "prescribed" means prescribed by rules made under this Act;

Bom. XII of 1939.

(*h*) "Tribunal" means the Bombay Revenue Tribunal constituted under the Bombay Revenue Tribunal Act, 1939.

Resumption of kauls.

3. With effect from the date on which this Act comes into force,—

(*1*) all kaul and katuban leases are hereby cancelled;

(*2*) save as expressly provided by this Act, all terms and conditions of the said leases and all incidents thereunder shall be deemed to have been extinguished; and

(*3*) any tax known as a tree tax leviable in respect of any kauli or katuban land is hereby abolished.

[1] For Statement of Objects and Reasons, *see Bombay Government Gazette*, 1953, Part V, p. 154.

Liability of kauli and katuban lands to land revenue.

4. Notwithstanding anything contained in a kaul, a katuban lease, a decree or order of a court or any other instrument or any law for the time being in force,—

(*a*) all kauli and katuban lands are and shall be liable to the payment of land revenue to the State Government in accordance with the provisions of the Code and the rules made thereunder; and

(*b*) (*i*) a kaul-holder in respect of kauli or katuban land which is in his actual possession or is in the possession of any person who holds the same through or under him and who is not a permanent holder; or

(*ii*) a permanent holder;

shall be primarily liable to the State Government for the payment of land revenue due in respect of such land held by him and shall be entitled to all the rights, and shall be liable to all the obligations, in respect of such land under the Code and the rules made thereunder or any other law for the time being in force.

Waste lands, etc., to vest in State Government.

5. (*a*) All waste lands which under the terms of the kaul or katuban lease are the property of the kaul-holder but have not been appropriated or brought under cultivation before the 4th March 1953;

(*b*) all other kinds of property referred to in section 37 of the Code situate in kauli or katuban land which is not the property of any individual or an aggregate of persons legally capable of holding property other than the kaul-holder and except in so far as any rights of persons may be established in or over the same and except as may be otherwise provided by any law for the time being in force, together with all rights in or over the same or appertaining thereto,

are, and are hereby declared to be, the property of the State Government and it shall be lawful to dispose of and sell the same by the authority, in the manner and for the purposes prescribed in section 37 or 38 of the Code, as the case may be.

Forest rights.

6. The rights to trees reserved by the Code, the Indian Forest Act, 1927, or any other law for the time being in force shall vest in the State Government and nothing in this Act shall affect the right of the State Government to apply the provisions of the Indian Forest Act, 1927, as in force in the State to forests in any kauli or katuban land. XVI of 1927. XVI of 1927.

Method of compensation on abolition of rights under the kauli or katuban land.

7. (*1*) If the kaul-holder or any person claiming through or under him is aggrieved by any of the provisions of this Act as extinguishing or modifying any of his rights in any property and if such kaul-holder or person proves that the extinguishment or modification amounts to transference to public ownership of his property, the kaul-holder or person may apply to the Collector for compensation.

(*2*) Such application shall be made in the form prescribed within six months from the date on which this Act comes into force.

(*3*) The Collector shall, after holding a formal inquiry in the manner provided by the Code, award such compensation as he deems reasonable and adequate :

Provided that the amount of compensation for extinguishment of any right in any waste land which under the terms of the kaul or katuban lease was the property of the kaul-holder shall be the amount calculated at the rate of Rs. 25 per 100 acres of such land :

Provided further that in the case of extinguishment or modification of any other right of a kaul-holder or the right of any other person the Collector shall be guided by the provisions of sub-section (*1*) of section 23 and section 24 of the Land Acquisition Act, 1894. I of 1894.

No compensation on account of land being made liable to payment of full assessment.

8. Nothing in section 7 shall entitle any person to compensation on the ground that any kauli or katuban land held by him on payment of a fixed assessment or rent either in cash or in kind which is lower in value than the full assessment payable in respect of such land in accordance with the provisions of the Code has been, under the provisions of this Act, made subject to the payment of such full assessment.

Amount of compensation to be payable in transferable bonds.

9. The amount of compensation payable under the provisions of this Act shall be payable in transferable bonds carrying interest at the rate of three per cent. per annum from the date of the issue of such bonds and shall be repayable during a period of twenty years from the date of the issue of such bonds by equated annual instalments of principal and interest. The bonds shall be of such denominations and shall be in such forms as may be prescribed.

Appeal.

10. (*1*) Any person aggrieved by the award of the Collector may appeal to the Tribunal.

(*2*) In deciding appeals under this section, the Tribunal shall exercise all the powers which a court has and follow the same procedure which a court follows in deciding appeals from the decree or order of an original court under the Code of Civil Procedure, 1908.

V of 1908.

Limitation.

11. Every appeal under this Act to the Tribunal shall be filed within a period of sixty days from the date of the award of the Collector. The provisions of sections 4, 5, 12 and 14 of the Indian Limitation Act, 1908, shall apply to the filing of such appeal.

IX of 1908.

Court fee.

12. Notwithstanding anything contained in the Court-fees Act, 1870, every appeal made under this Act to the Tribunal shall bear a court fee stamp of such value as may be prescribed.

VII of 1870.

Finality of award of Collector and decision of Tribunal.

13. The award made by the Collector subject to an appeal to the Tribunal and the decision of the Tribunal on appeal shall be final and conclusive and shall not be questioned in any suit or proceeding in any Court.

Inquiries and proceedings to be judicial proceedings.

14. All inquiries and proceedings before the Collector and the Tribunal under this Act shall be deemed to be judicial proceedings within the meaning of sections 193, 219 and 228 of the Indian Penal Code.

XLV of 1860.

Rules.

15. The State Government may by notification in the *Official Gazette* make rules for the purpose of carrying out the provisions of this Act. Such rules shall be subject to the condition of previous publication.